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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 RICHARD L. PARENTEAU, JR.,

9 Plaintiff,

10 v.

11 BENJAMIN SANDERS,

12 Defendant.

CASE NO. C17-888-MJP-BAT

**ORDER DENYING PLAINTIFF'S  
MOTION FOR CONTEMPT**

13 Plaintiff moves the Court for an order holding Defendant Benjamin Sanders in contempt  
14 “for refusing to engage in the discovery process in good faith.” Dkt. 21. Specifically, plaintiff  
15 contends he sent interrogatories to defendant in the middle of December and that defendant  
16 failed to respond. *Id.* The motion is denied for the following reason.

17 The motion is premature as plaintiff acknowledges he sent interrogatories sometime in  
18 mid-December but served and filed the instant motion for contempt on January 1, 2018.<sup>1</sup> Dkt.  
19 21. Pursuant to Federal Rule of Civil Procedure 33(b)(2) defendant had 30 days to respond to  
20 plaintiff's interrogatories. *See also* Dkt. 13 (Pre-trial Scheduling Order). Accordingly,  
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23 <sup>1</sup> The Court notes that plaintiff's motion was not docketed until January 16, 2018, but that plaintiff's “Certificate of Filing and Service” indicates he delivered the documents to King County Correctional Facility to be mailed to the Clerk of the Court on January 1, 2018.

1 defendant's time to respond to the interrogatories had not expired when plaintiff served and filed  
2 the instant motion. Accordingly, it is **ORDERED:**

3 (1) Plaintiff's motion for contempt (Dkt. 21) is denied.

4 (2) The Clerk shall send a copy of this Order to plaintiff and counsel for defendant.

5 DATED this 5<sup>th</sup> day of February, 2018.

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8 BRIAN A. TSUCHIDA  
United States Magistrate Judge